

THE STABILITY OF OUR CONSTITUTION.

BY THE EDITOR.

OUR constitution is an object of reverence and awe. It might almost be regarded as our national fetish, and certainly one thing is true about it, that we have lived through times of enormous changes without having found any essential defects in the constitution itself. It is broad and adapts itself to new conditions. Indeed when the South proposed to separate from the North they took over the constitution practically unchanged and made no objection to it, thus proving its usefulness for a confederacy of states which in many respects showed quite a different temper from the original group of thirteen which were the foundation of the union. Now comes a critic of the principle underlying the constitution of the United States, Mrs. Lida Parce, who claims that the constitution is not sufficiently adapted to new and radical changes, whereas it has always seemed to me that the constitution can adapt itself to reform very easily indeed when the reform is needed or proves itself to be wholesome.

It is true that a simple majority is not sufficient to change the constitution. I have always believed that this is an advantage rather than otherwise, for what would become of us if a constitution which it took great care to construct could be upset with every change of the majority's will? If certain changes in the constitution were desirable to a majority to-day, and these changes should again be upset by another majority to-morrow, we would present a spectacle of mob rule and might pass through phases of alteration like the different developments of the French revolution during the reign of terror.

A constitution should be well considered in an impartial spirit and should allow either party to carry on the administration according to the will of the majority, but a simple majority should not possess the power to make such radical changes as to abolish the constitution itself. Nor should it be able to legalize such conditions as would please the majority in perpetuating all the privileges it acquired by a temporary preference of the people. Nevertheless we present Mrs. Parce's discussion of the desirability of changing the constitution by introducing a method which would so alter the character of the legislative branch of our government

as to make it equal to administrative bodies which depend solely on a simple majority. Are there any regulations in our constitution which represent interests of a specially privileged class? Does not the constitution rather intrench the spirit of conservatism by making it impossible for privileged classes to take hold of the government if they succeed in establishing a temporary majority which might become a czar, ruler and autocrat as the autocracies of primitive savage governments have been?

I am reluctant to say that our critic has really a case which ought to invite us to take steps toward changing certain well-founded principles in the constitution. So far as I can see I am inclined to believe that it is a wise safeguard of the permanency of the constitution which provides for keeping it from being dependent on a simple majority. If changes were needed in the constitution which would involve important and beneficial reforms, it seems to me that the assent of the people ought to be and certainly would be so overwhelming that the difficulties presented by the innovation could easily be overcome. Such innovations could only be expected in the practical spheres of taxation, labor and kindred subjects. At present it seems to me there is no question before the country which could not be settled by a majority in congress, except perhaps questions of vital importance where the majority of the whole people, not merely of congress, should decide. One of such questions would be the decision as to whether or not the country should go to war, but we might enact a law which would demand a referendum in these cases, and that could easily be done without changing the constitution. So I am at a loss to see why we ought to take steps to make such changes in the constitution as to render it directly dependent on a simple numerical majority, which would change the very foundation of all law.

In order for a law to be just and valid it must be universal. In other words, we ought never to pass laws which are made for the benefit of one class, not even if that class be the majority. The majority has no right to make a law which puts a minority to a disadvantage, nor ought it pass laws which are exclusively beneficial to majorities. A law must be formulated in such a way that it is of a universal character and makes no discrimination between different parties. If a law is not capable of being formulated in universal terms it is an unfair law and ought not to be passed, and it seems to me that laws which now are unconstitutional have a tinge of partisanship which favors one class only and takes advantage

of the power which a temporary majority possesses by having a hold on the administration.

The question is not without practical significance, and not being in the least disposed to suppress an opinion that might advocate a reform difficult of investigation or definite decision, we take pleasure in presenting Mrs. Parce's statement concerning the alleged shortcomings of the constitution.

EXORCISM AND SARDINE HEADS.

BY NORITAKE TSUDA.

THERE is an old religious custom in Japan still observed by some conservatives which consists in exposing a sardine's head together with a spray of hiiragi (*Osmanthus aquifolium*) at the



SARDINE'S HEAD AND HIIRAGI.

doors of the houses. The head is fastened on the end of a pointed beanstalk. An observer will note these strange adornments even in the streets of Tokyo for a short time following February 4. They